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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

OREGON FIREARMS FEDERATION,)	
INC., et al.,)	
)	
Plaintiffs,	)	Case Nos.
	)	2:22-cv-01815-IM
vs.	)	3:22-cv-01859-IM
	)	3:22-cv-01862-IM
KATE BROWN, et al.,	)	3:22-cv-01869-IM
)	
Defendants.)	
)	
MARK FITZ, et al.,	)	VIDEO-RECORDED
	)	VIDEOCONFERENCE
Plaintiffs,	)	DEPOSITION OF
	)	ASHLEY HLEBINSKY
vs.)	
)	
ELLEN F. ROSENBLUM, et al.,)	
)	
Defendants.	)	*CAPTION
	)	CONTINUES*
KATERINA B. EYRE, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
ELLEN F. ROSENBLUM, et al.,)	
)	
Defendants.)	

DATE TAKEN: JANUARY 20, 2023

REPORTED BY: LORRIE R. CHINN, RPR,
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1 DANIEL AZZOPARDI, et al.,)
2 Plaintiffs,)
3 vs.)
4 ELLEN F. ROSENBLUM, et)
5 al.,)
6 Defendants.)
7
8

9 VIDEO-RECORDED VIDEOCONFERENCE DEPOSITION
10 OF
11 ASHLEY HLEBINSKY
12

13 1:03 p.m.
14 LAS VEGAS, NEVADA
15 (All participants appeared via videoconference.)
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ALSO PRESENT (via videoconference):

TANIA GRANT, VIDEOGRAPHER

1 A. Cool.

2 Q. Okay. So do you know about how many people
3 lived in the United States in the Founding Era?

4 A. I do not.

5 Q. In paragraph 19 you state kind of in the
6 middle -- and I'm on page 13 of your declaration. You
7 state, "...repeaters, including those with magazines,
8 could have capacities of over ten rounds at least a
9 century before and during the ratification of the
10 Second Amendment."

11 So I want to -- what I want to do is try to
12 understand what those repeaters are that you're
13 referring to. And so my first question is just can you
14 provide a list of which repeaters you're referring to
15 in that statement?

16 A. I would have to pull up -- let me see.
17 Because for me looking historically the -- yes, there
18 are ones over ten rounds, but it's not like there was
19 any standard in what people were choosing. And so I
20 believe one of the Lorenzonis was over ten rounds.
21 There was also a lot of one-offs made in Europe that
22 you can see in the Cody collection that don't really
23 have a lot of background on who the manufacturer was or
24 the maker was. Sorry.

25 And I believe one of the Cooksons was over ten

1 Q. Okay. So I'm going to back up just a little
2 bit here. So earlier, a few minutes ago we were
3 talking about the firearms that you were referring to
4 in paragraph 19 that have ten rounds or more. And the
5 first category you mentioned were some one-offs made in
6 Europe. Do you know the specific names of those to
7 which you're referring?

8 A. The ones that I've listed?

9 Q. So just the ones that are here in the
10 declaration?

11 A. Those are the ones I know specifically. But
12 the reason I don't necessarily have the names for them
13 is because I've seen them in the museum collection, but
14 I don't recall exactly what they were. And I'm not in
15 Wyoming anymore, so I couldn't list all of them.

16 Q. Sure. And the ones I've seen in the
17 declaration are the Kalthoff, the Berselli, and the
18 Lorenzoni. And then it kind of goes on and talks about
19 the Cookson. But those are three?

20 A. Yeah.

21 Q. Are those --

22 A. Yeah. And it's -- the Lorenzoni was
23 replicated a lot of times by other people, so it's not
24 one -- or, I mean, there was one person that developed
25 it, but then they call them Lorenzoni types.

1 Q. Got it. Okay. Let's start with the -- is it
2 "Kal-thoff" or "Kaul-thoff"? How do you pronounce it?

3 A. "Kaul-toff".

4 Q. Kalthoff. Okay. Was that -- to your
5 knowledge, was that firearm ever sold in the United
6 States?

7 A. I don't believe so.

8 Q. Do you know how many were created?

9 A. I'm not sure.

10 Q. Okay. And then the Berselli, was that ever
11 sold in the United States?

12 A. No. Although, I can't recall, but I believe
13 that there is one in a museum in the United States.
14 I'm not --

15 Q. That would have been -- go ahead. Sorry.

16 A. Yeah, sorry. No. I'm trying to recall if it
17 was that one, but I know that one of them ended up in a
18 museum in the United States.

19 Q. That was much later, correct?

20 A. I don't know when it would have come to the
21 United States.

22 Q. Okay. So the Lorenzoni, do you know if any
23 Lorenzonis were ever sold in the United States?

24 A. I know that the style -- I believe the Cookson
25 is one of their styles came over. I had a note

1 somewhere about different figures -- figure heads who
2 owned them, but I don't have the specific reference to
3 it. So I'm not 100 percent sure. I feel like I've
4 seen something, but I don't have it in my declaration.

5 Q. Was the Lorenzoni a working firearm? In other
6 words, could it be fired successfully?

7 A. Yeah, it could.

8 Q. Do you know how many were made?

9 A. I'm not sure. Like I said, there were
10 different types.

11 Q. Do you know if any Lorenzonis -- well, I guess
12 let me ask this question instead: How did the
13 Lorenzoni hold more than one shot? What was its
14 mechanism?

15 A. Yeah. So it was basically kind of a circular
16 mag that was built into the gun. And so it would --
17 the way it functioned it had a lever on it. I'm trying
18 to see how I can explain it to you. It had a lever on
19 it, and then the rounds would kind of fall into place
20 when they fired.

21 Q. So it fired one round after another?

22 A. One round every time you pulled the trigger.

23 Q. And was it semiautomatic?

24 A. It was not, no. There were other functions
25 with that, but it was not like you -- it wasn't like a

1 A. Yeah. It was a similar concept of design for
2 the magazine feature.

3 Q. Okay. And so the Cookson, we talked a minute
4 ago about the advertisement that ran in the United
5 States. So was the Cookson, to your knowledge,
6 commercially available in the United States in the
7 Founding Era?

8 A. According to that, yes. Although, there was
9 also a Cookson that was available that was similar in
10 design in England as well.

11 Q. So the Cookson that was advertised in the
12 United States was a nine-shot firearm, correct?

13 A. Let me see. (Pause - referring). Correct.
14 And then I have listed another gunmaker from the U.S.
15 that had a similar design -- they kind of all copied
16 one another on that -- named John Shaw.

17 Q. Okay. So a moment ago when we were talking
18 about the advertisement for the Cookson, this is the
19 advertisement to which we were talking about, right,
20 the one that's in your declaration?

21 A. Yes.

22 Q. Do you have any information about the number
23 of Cookson-type firearms that were in the United States
24 in the Founding Era?

25 A. If I remember correctly from Flayderman's

1 Guide of Antique American Firearms, which tends to
2 reference as well as they can the collector, you know,
3 what is available on it, I believe it was not -- it was
4 maybe a one-off. Maybe there were a few of them.

5 Q. Flayderman, you're referencing the guide
6 that's published and lists firearms and --

7 A. Available -- they call it antique firearms,
8 but that's not necessarily the federal definition of
9 it. So it goes a little bit beyond into the early
10 1900s.

11 Q. Got it. Okay. And is Flayderman generally
12 considered a reputable guide to finding this kind of
13 information?

14 A. Yeah. It's pretty much in the firearms
15 history collector world considered the gold standard.

16 Q. Okay. Do you know if any of the Cookson-type
17 firearms could be successfully fired?

18 A. I don't have an example of it being fired, so
19 I would imagine so, but I don't know.

20 Q. So like the Lorenzoni, the Cookson did not
21 have a detachable magazine, correct?

22 A. I believe that you are correct.

23 Q. And it appears from the information in your
24 declaration that some Cooksons had nine shots, but
25 there was a Cookson -- you're aware of a Cookson-type

1 bore, but then shotguns are also smooth bore. So let's
2 just say smooth bore and rifle.

3 Q. Got it. Okay. Do you have any information
4 about how much a Cookson weighed?

5 A. No.

6 Q. And were Cookson and Cookson-type firearms
7 manufactured by gunsmiths?

8 A. Yeah. Again, pretty much everything was made
9 by gunmakers individually. And then even armories, as
10 they started to be developed, bought components and
11 assembled from lock plates and things that
12 gunmakers would -- private gunmakers would make.

13 Q. Okay. And did the Cookson and Cookson-type
14 firearms use the ball projectile?

15 A. I believe so.

16 Q. Do you have any information about how accurate
17 a Cookson was?

18 A. I do not.

19 Q. And do you have any information about how
20 powerful a Cookson was?

21 A. I do not. That's subjective, I guess, to some
22 extent.

23 Q. And then you did mention a 16-shot weapon. We
24 talked about that a minute ago. Do you have any
25 additional evidence or information about what that

1 16-shot firearm was?

2 A. The -- from 1580, which would have been in
3 paragraph 20 right at the end? Is that what you're
4 referencing?

5 Q. If that's what you were referencing earlier in
6 our conversation, then yes.

7 A. Yes, I believe so. Yeah. The model has
8 survived. It was on display at the National Sporting
9 Arms Museum. It was an offshoot of the National
10 Firearms Museum down in Missouri, I think. But, yeah,
11 I've seen it.

12 Q. Was that firearm owned by someone in the
13 United States?

14 A. I'm not sure.

15 Q. And do you know if it was a one-off?

16 A. I believe so, yeah. It was so early that, I
17 think, everything was a one-off back then.

18 Q. Sure. So in the 1500s it's likely everything
19 was a one-off?

20 A. Yeah. With the exception of very elementary
21 armories. So military guns were the only thing that
22 would have been made faster because they were cheaper
23 and easier to produce, didn't have as many working
24 parts.

25 Q. Okay. Let's talk about the Belton. That's

1 the next one mentioned in your declaration.

2 A. Correct.

3 Q. So the Belton did not have a detachable
4 magazine, correct?

5 A. It did not have a magazine. It was a
6 superposed firearm.

7 Q. And you mentioned those just a moment ago.
8 Can you just describe briefly what a superposed firearm
9 means?

10 A. So a superposed firearm is where you have kind
11 of your very -- your components of ammunition lined up.
12 And so you either have them stacked on top of each
13 other or you have a lock plate that moves. So your
14 lock plate is the side -- usually encompasses what
15 people call the hammer. Although, it had a different
16 term back.

17 And so that could slide down or you press the
18 trigger and it fires like a Roman candle, so it just
19 continuously goes off until it has no more ammo.

20 Q. Got it. So is it possible that a superposed
21 firearm could fire all of its shots at one time with
22 one pull of the trigger?

23 A. It would be one pull of the trigger. The
24 goal, I think, was successive shots though.

25 Q. Yeah, I see. So you pull the trigger, and

1 THE VIDEOGRAPHER: Sorry to interrupt,
2 counsel. This is the videographer. In about
3 15 minutes I'll just need to take a break to make a
4 pause in the video.

5 MR. WILSON: Why don't we take the break
6 now, if that's okay. You can change the video and we
7 can find the Jennings and get going again.

8 THE WITNESS: Sounds perfect.

9 THE VIDEOGRAPHER: We're now going off
10 record. The time is 2:32 p.m.

11 (A recess ensued from 2:32 p.m. until 2:44
12 p.m.)

13 THE VIDEOGRAPHER: We're now back on the
14 record. The time is 2:44 p.m.

15 Q. BY MR. WILSON: Okay. Welcome back. We were
16 talking about the Jennings when -- just before the
17 break. That's in paragraph 29 of your declaration.
18 And my question was how many -- what was the capacity
19 of a Jennings?

20 A. Yes. So I just pulled up my declaration, and
21 it's 12 rounds.

22 Q. Was the Jennings a semiautomatic weapon?

23 A. It was not.

24 Q. So how did you fire one round after another?
25 What action did you have to take?

1 A. I believe with the Jennings it had a lock
2 plate that moved, so you would have to -- you would
3 load your powder like -- and projectiles stacked like
4 you normally would. And then you had to advance -- I
5 believe you had to advance the lock plate each time.
6 Sorry.

7 Q. Sure. How do you advance a lock plate?

8 A. On that one I think you could just move it
9 forward. Sometimes there was a button to move things
10 forward, but I think you just slid it forward.

11 Q. So the Jennings used a superposed load,
12 correct?

13 A. I believe so, yeah.

14 Q. So you would move the lock plate kind of from
15 one set of -- one set of cartridge to the next to fire
16 each successive round?

17 A. Correct. It's like a notch. You know, you
18 slide it to a notch and move it forward.

19 Q. Was that a two-hand procedure?

20 A. I'm not sure.

21 Q. One hand to hold the firearm, one hand to move
22 the lock plate?

23 A. Yeah, most likely.

24 Q. Do you have any information about how many
25 Jennings firearms were available in the United States

1 in the 1820s?

2 A. I believe that that was a one-off as well.
3 Maybe there were a few others. You still haven't quite
4 gotten to the full time in the 19th century where you
5 have a lot more being produced by makers.

6 Q. Gotcha. And when was that time period
7 roughly?

8 A. So a lot -- with a lot of the companies, I
9 mean, they could produce more standard arms in the
10 early 1800s, or early being around that timeframe. But
11 a good example would be with Sam Colt after he patented
12 his revolver. Initially they would make them in their
13 shop, but then he ultimately developed some inline
14 manufacturing processes by the mid 19th century.

15 Q. Got it.

16 A. Or mid to post civil War I think was when they
17 got really kind of up and running on a lot of the mass
18 manufacture.

19 Q. How did you reload a Jennings?

20 A. I believe it's similar to all of the others
21 with superposed loads.

22 Q. So you're putting the ammunition down the
23 barrel kind of one by one?

24 A. I believe so. I don't believe it's a
25 breechloader. It's not a breechloader. I'm thinking

1 were long guns rather than pistols?

2 A. There were. The bulk of them, though, were
3 handguns.

4 Q. Okay. So it's more likely that the long gun
5 pepperbox firearms held ten shots or more, correct?

6 A. Yeah, not necessarily, but they could. Like I
7 said, it's still -- you have a lot being made, and now
8 you are having more standard companies. But there's
9 still kind of people making things all over the place,
10 so sometimes it's hard to completely pinpoint exact
11 numbers.

12 Q. Do you have any information about how many
13 pepperbox firearms with the capacity of more than ten
14 shots existed in the 1830s?

15 A. I do not.

16 Q. Okay. Let's go back just to the Founding Era.
17 So, again, this is the period that runs up until 1791.
18 And so let's just say that, you know, the period is
19 roughly -- the period that I'm talking about is roughly
20 1750 to 1791. Does that make sense?

21 A. Yep.

22 Q. Okay. So in that period do you know how many
23 ten-round repeating firearms existed in the United
24 States in aggregate?

25 A. I do not.

1 Q. And then based on the testimony that we
2 just -- you've just provided, would it be fair to say
3 that it was most likely not more than ten?

4 A. Ten firearms?

5 Q. Yes.

6 A. I'm not sure. But of what I've seen,
7 possibly.

8 Q. During the Founding Era, was there such a
9 thing as a detachable magazine?

10 A. I don't believe so.

11 Q. When did detachable magazines appear?

12 A. In my notes -- I'm sorry. I swear I'll stop
13 saying notes at some point. In my deposition I think I
14 talk about more standard detachable magazines in the
15 1800s.

16 Q. Okay. So would a detachable -- and when you
17 say 1800s, is there a specific period within the 1800s
18 you're referring to?

19 A. I have -- I'm looking at page 27, paragraph
20 36, just so you have it. I do reference the Spencer
21 repeating rifle, which has a detachable magazine, and
22 that's 1860, '60, '66. I have that, and then I also
23 list the Genhart turret rifle. Turret guns tended to
24 have a detachable magazine, and that was the 1850s and
25 as well as my other example.

REPORTER'S CERTIFICATE

I, LORRIE R. CHINN, the undersigned Certified Court Reporter, pursuant to RCW 5.28.010 authorized to administer oaths and affirmations in and for the State of Washington, do hereby certify:

That the sworn testimony and/or remote proceedings, a transcript of which is attached, was given before me at the time and place stated therein; that any and/or all witness(es) were duly sworn remotely to testify to the truth; that the sworn testimony and/or remote proceedings were by me stenographically recorded and transcribed under my supervision, to the best of my ability; that the foregoing transcript contains a full, true, and accurate record of all the sworn testimony and/or remote proceedings given and occurring at the time and place stated in the transcript; that a review of which was requested; that I am in no way related to any party to the matter, nor to any counsel, nor do I have any financial interest in the event of the cause.

Reading and signing was not requested pursuant to FRCP Rule 30(e).

WITNESS MY HAND AND DIGITAL SIGNATURE this 26th day of January, 2023.

Lorrie R. Chinn



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